

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE *EX PARTE* APPLICATION OF  
SPS I FUNDO DE INVESTIMENTO DE AÇÕES –  
INVESTIMENTO NO EXTERIOR

*Petitioner,*

Case No. 22-mc-00118-LAK

For an Order Pursuant to 28 U.S.C. § 1782 to Take  
Discovery for use in Contemplated Proceeding in the  
Federative Republic of Brazil.

**[PROPOSED] ORDER**

Upon consideration of the amended application of SPS I Fundo de Investimento de Ações – Investimento no Exterior (“**Petitioner**”) for an order permitting Petitioner to obtain discovery from The New York Branch of Barclays Bank PLC (“**Barclays NY**” or “**Respondent**”) for use in a contemplated foreign proceeding pursuant to 28 U.S.C. § 1782 (ECF No. 48, the “**Amended Application**”), and all papers submitted in support thereof or incorporated by reference therein, including the original Application<sup>1</sup> (ECF No.6), the Gonzalez Declaration (ECF No. 6, Exhibit A), Supplemental Gonzalez Declaration (ECF No. 26), Second Supplemental Gonzalez Declaration (ECF No. 49), Cavalcanti Declaration (ECF No. 27), Hollembeak Declaration (ECF No. 28) and Supplemental Hollembeak Declaration (ECF No. 50), including all exhibits to the foregoing; and it appearing that due and proper notice of the Amended Application was given; and after being duly advised in the premises, considering all objections and responses to the Amended Application, and all replies thereto and in further support of the Amended Application, if any; and upon the record of all conferences, hearings and arguments on the Amended

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<sup>1</sup> Capitalized terms used but not defined herein have the meanings ascribed to them in the Application.

Application before the Court, if any;

**THE COURT HEREBY FINDS AND CONCLUDES:**

1. The statutory requirements of Section 1782 are satisfied for the reasons set forth in the Court's December 9, 2022 Memorandum Opinion (ECF No. 34) and because Barclays NY is "found" in this District.

2. All factors identified by the United States Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004), weigh in favor of granting the Amended Application for the reasons set forth in the Court's December 9, 2022 Memorandum Opinion (ECF No. 34).

**BASED ON THE FOREGOING, IT IS HEREBY:**

ORDERED that the Amended Application is granted; and it is further

ORDERED that Petitioner is authorized to conduct discovery in this District relating to the issues identified in the Amended Application and supporting papers for use in the Brazilian Proceedings in accordance with the Federal Rules of Civil Procedure and the Local Civil Rules of this Court by having the clerk issue to Respondent a subpoena for the production of documents in the form annexed hereto as Exhibits 1; and it is further

ORDERED that Petitioner's counsel are hereby appointed to serve subpoenas upon Respondent and take testimony in this matter before any certified court reporter authorized to take testimony and administer oaths, and such court reporters are hereby authorized to take testimony in this matter; and it is further

ORDERED that Respondent is directed to comply with the subpoenas in accordance with the Federal Rules of Civil Procedure and Local Civil Rules of this District and Rules of this Court, as applicable; and it is further

ORDERED that Petitioner is authorized in its discretion to use or not use any discovery

obtained by this Order in aid of the Brazilian Proceedings without further leave of this Court; and  
it is further

ORDERED that this Court has and shall retain jurisdiction over this matter.

SO ORDERED:

Date: \_\_\_\_\_, 2023

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THE HONORABLE LEWIS A. KAPLAN  
UNITED STATES DISTRICT JUDGE